

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC)
<i>This document relates to:</i>	ECF Case
<i>Federal Insurance Co. v. al Qaida</i> , 03-cv-6978 (RCC)	

DEFENDANT AL BARAKA BANKCORP'S NOTICE OF MOTION

PLEASE TAKE NOTICE that, Defendant Al Baraka Bankcorp will move before the Honorable Richard Conway Casey, United States District Court for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, for the following relief:

- a.) Dismissal with prejudice from Plaintiffs' Complaint as the entity no longer exists;
- b.) Dismissal of Plaintiffs' Complaint pursuant to Fed. R. Civ. P. 12 (b)(6) for failure to state a claim upon which relief can be granted;
- c.) Dismissal of Plaintiffs' Complaint pursuant to Fed. R. Civ. P. 12 (b)(1) for lack of subject matter jurisdiction;
- d.) Dismissal for any such further relief as the Court deems just and proper.

Dated: May 26, 2006

Respectfully Submitted,

/s/

Martin F. McMahon, Esq., #M.M.4389
MARTIN F. MCMAHON & ASSOCIATES
1150 Connecticut Avenue NW, Suite 900
Washington, DC 20036
Phone: 202-862-4343
Facsimile: 202-828-4130

Attorney for Defendant Al Baraka Bancorp

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Motion and its accompanying Motion to Dismiss were served via electronic case filing on this 26th day of May, 2006, upon the following:

Mr. Sean P. Carter, Esq.
Cozen O'Connor
1900 Market St.
Philadelphia, Pa. 19103-3508

_____/s/_____
Lisa D. Angelo, Esq.